

On February 25, 2008, I conducted radio station historical research at the National Archives II in College Park, Maryland. By accident, I managed to obtain complete copies of early 1970's ascertainment documents for standard station KRKO-AM as well as tables of contents and divider pages of earlier ascertainment documents for stations WEEI-AM and KPQ-AM. The documents were in excess of 100 pages each, KPQ's was several hundred. Ironically, a newspaper article from the same period quoted the KRKO station news director regarding the time and effort that went into the ascertainment process. I would be happy to provide complete copies of these documents to the Commission for review.

Simplistically, I can't foresee how the Commission could possibly staff up to process ascertainment applications when the number of stations today is so much greater (perhaps triple). Currently, routine license challenges on settled FCC law, like for interference complaints, take up to three years for the engineering and legal staff to process (see KRPI, Ferndale's 2008 renewal decision in favor of the applicant). How in the world is the Commission prepared to shorten the license renewal process AND add ascertainment filings of hundreds of pages for each station? Who will process that and who will handle the hearings for the challenges?

Ascertainment is a mistake, if only for the subjectivity it introduces into the system. Of the ascertainment documents I've reviewed, all were completely different from one another, so who is to say whether one letter of community support is enough or whether you need ten letters of community support? What's obvious is that that part of the ascertainment process spurred a cottage industry of telephone polling services that produced the results the stations needed for the Commission, but that in reality had nothing to do with their local markets, particularly when you attempt to match the results to the issues identified in the newspaper from the same period of time.

Furthermore, in the case of equal-time, I have copies of interviews from Washington State station owners from the 1970's. What is clear from those interviews is that equal-time killed station editorial efforts. The owners state as much, particularly Bill Taft, a former owner of KRKO. These quotes and the full transcripts of the interviews are available upon request as well. The Commission's efforts to force stations to comply with bogus equal time mandates killed station editorials - a key source of community conversation and the mainstay of the newspaper industry. If newspaper editorial boards don't have to provide equal time on a topic where they've taken a stand, why should radio? We are considering running editorials again for the first time in 40 years. If the Commission re-imposes equal-time restrictions, we'd prefer to not do editorials at all.

If KRKO is forced to staff overnight, we will turn off the transmitter as we used to do in the past from 9 p.m. to 5 a.m. Computers make those hours of service and the requisite EAS system possible.

This rulemaking punishes the few remaining individual owner/operators still left in the broadcast industry in a way that ironically may drive their stations into the hands of the large groups. My

contemporaries in Colville, Washington and Forks, Washington, for example, have watched their towns nearly vanish. They're down to a staff of one in each case. How much can the Commission heap on them before they leave the business?

Driving around southern Idaho this week, I counted fifteen stations that utilized some form of automation, and looking at the available retail base in the towns I drove through, it was no surprise why those stations operated as they did. Conversely, in 1970, many of those stations wouldn't have been on the air, and the one or two stations that were could survive and prosper, with or without ascertainment. Frankly, these towns are lucky to have so many choices, and they continue to be served by EAS because these stations are on the air with the aid of computers.

The FCC's efforts to re-regulate in this manner are misguided. The number of broadcast stations in the 1970's were substantially less than today, cable television and its array of specialized channels did not exist in any meaningful way, and category killers like Lowe's Home Improvement or Home Depot did not exist, either. Nor did the Internet, with its array of on-demand news services exist. As a result, stations had, to an extent, a captive audience, and captive local advertisers to fund staffs large enough to allow for ascertainment. The KRKO station ratings, according to a previous owner, showed nearly 25% of the market listened to the radio station. In many markets, the number one station today is lucky to have 6% of the market listening. Media fragmentation has caused this.

KRKO used to count on the local hardware stores for a large portion of the station revenue. Those stores no longer exist, replaced long ago by the category killers. And, by allowing so many more stations on the air, the Commission has not only diluted the revenue base, but it has also diluted the listener base because stations are forced to specialize to compete. On-demand Internet and cable has accelerated this trend.

Regulation often has unintended negative consequences. Re-regulation is potentially a death-knell for local, individual owner operators. If the Commission intends to find some way to punish the large groups, which we don't support, but if that is the case, owners with three or fewer stations should be exempted, regardless of market size.

I'm sure the Commission will continue to hear from a vocal minority about how they're not being served and how they don't have access to frequencies and want more stations to be added. They want something for nothing, and newspaper articles from the 70's and 80's carry the same arguments from the same groups of people, and all the while the Commission has worked to increase the number of frequencies for these groups to the point where there is no more spectrum. The Commission would be well-served to remember that these vocal minorities have the same access to the broadcast spectrum everybody else does. They can buy a bankrupt station like we did and work to fix it.

